APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,078	10/05/2000	David Moir Archibald	4481-031	7765

7590   02/04/2005

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EXAMINER
KADING, JOSHUA A

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/679,078	ARCHIBALD, DAVID MOIR
	Examiner	Art Unit
	Joshua Kading	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 December 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The affidavit under 37 CFR 1.132 filed 14 December 2004 is sufficient to

overcome the rejection of claims 1-17 based upon insufficiency of disclosure under 35

5   U.S.C. 112, first paragraph.

Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

10   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

15   for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 9, line 2 states, "any similar messages." Since claim 9 and claim 8 (from

which claim 9 depends) disclose several different messages (first messages, second

messages, third messages, etc.), it is unclear which similar messages applicant is

20   referring to in line 2 of claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
5 applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

10 Claims 1-4, 6, 15, and 17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Williams (U.S. Patent 6,226,289 B1).

Regarding claims 1 and 2, Williams discloses, "a method of establishing a

correlation between the contents of signalling messages conforming to different

15 protocols but relating to a common bearer data item, comprising the steps of: monitoring

messages traversing at least first and second signalling channels which conform to

respective first and second signalling protocols (col. 22, lines 39-col. 23, lines 1-15

where a plurality of signalling type messages are transmitted over signalling channels

during setup and release of a call); selecting first messages including an identification

20 related to an end user of said bearer data item and a first identification of a bearer

channel carrying said bearer data item (col. 22, lines 49-57 where the IAM inherently

contains the identification of the channel carrying the data item so as to continue and

complete setup of the call); selecting second messages including a second identification

of a bearer channel carrying said bearer data item and a call identifier (col. 23, lines 7-

25 10 where the second messages consist of the ACM and ANM messages); selecting

third messages including, an identification related to an end user of said data item and a

call identifier (col. 22, lines 22-col. 23, lines 1-7 where the IAM message mapped to the

call setup message acts as the third messages); selecting fourth messages including

packet network address information and a transaction identifier (col. 23, lines 2-7 where

the messages sent to the data network are fourth messages consisting of an IP address

and transaction identifier such as an identifier relating the current call setup to that data

5   message); and using said selected third and fourth messages to establish a correlation

between the first and second bearer channel identifications (col. 23, lines 1-15 whereby

completing the call setup and conversation commencing all messages have been

correlated, i.e. they are all linked to each other by various identifiers within the

messages themselves)."

10

        Regarding claims 4 and 15, Williams discloses, "wherein the first messages

include SS7 ISUP Initial Address Messages, the end user identification comprises

calling and called party addresses (col. 22, lines 49-50 and since the call is further

completed as described in col. 23, lines 7-15 the calling party address must be known),

15   and the first bearer channel identification comprises an OPC-DPC-CIC combination

(col. 18, lines 10-16)."

        Regarding claims 6 and 17, Williams discloses, "wherein the third messages

include ISUP Initial Address Messages and the end user identification comprises calling

20   and called party addresses (col. 22, lines 22-col. 23, lines 1-7 since the call was initiated

by dialing digits and is completed, the calling and called party addresses must be

known)."

Regarding claim 3, Williams discloses, "the method of claim 2, wherein the fourth

messages comprise responses to said second messages (col. 22, lines 66-col. 23, lines

7 where the data message is sent in response to the second messages)."

5

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
10   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15   Claims 7, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Williams et al.

Regarding claim 7, Williams discloses the method of claim 2. However, Williams

does not explicitly teach "wherein the fourth messages include MGCP Response

20   messages, the packet network address information comprises an SDP connection

descriptor parameter, and the transaction identifiers comprise transaction ID

parameters." Although Williams does explicitly describe the fourth messages as MGCP

response messages, it would have been obvious to one of ordinary skill in the art at the

time of invention to use these types of messages as a matter of design choice. If the

25   overall network relies on a Media Gateway Control Protocol, then it would have been

obvious that MGCP type messages would be used instead of those mentioned in

Williams. The motivation for using response messages, such as the MGCP type of

those found in Williams, is a matter of completing the setup of the call.

Regarding claims 12 and 13, Williams discloses, "An apparatus for establishing a

5   correlation between the contents of signalling messages conforming to different

protocols but relating to a common bearer data item (figure 5A, element 208 for

instance), comprising: monitoring equipment for monitoring messages traversing at

least first and second signalling channels which conform to respective first and second

signalling protocols (col. 22, lines 39-col. 23, lines 1-15 where a plurality of signalling

10   type messages are transmitted over signalling channels during setup and release of a

call)... selecting first messages including an identification related to an end user of said

bearer data item and a first identification of a bearer channel carrying said bearer data

item (col. 22, lines 49-57 where the IAM inherently contains the identification of the

channel carrying the data item so as to continue and complete setup of the

15   call)... selecting second messages including a second identification of a bearer channel

carrying said bearer data item and a transaction identifier (col. 23, lines 7-10 where the

second messages consist of the ACM and ANM messages)... selecting third messages

including an identification related to an end user of said data item and packet network

address information (col. 22, lines 22-col. 23, lines 1-7 where the IAM message mapped

20   to the call setup message acts as the third messages)... selecting fourth messages

including packet network address information and a transaction identifier (col. 23, lines

2-7 where the messages sent to the data network are fourth messages consisting of an

IP address and transaction identifier such as an identifier relating the current call setup

to that data message); and... establishing a correlation between the first and second

bearer channel identifications in accordance with said selected third and fourth

messages (col. 23, lines 1-15 whereby completing the call setup and conversation

5   commencing all messages have been correlated, i.e. they are all linked to each other by

various identifiers within the messages themselves)."

However, Williams does not explicitly disclose "a first selector" for selecting first

messages, "a second selector" for selecting second messages, "a third selector" for

selecting third messages, "a fourth selector" for selecting fourth messages, and "a

10 correlator." Although Williams does not explicitly disclose a selector for each message

type and a correlator it would have been obvious to have these components inside the

element 208 of figure 5A so as to actually implement the described procedure of call

setup in Williams.

It would have been obvious to one with ordinary skill in the art at the time of

15 invention to include the selectors and correlator for the purpose of completing call setup.

The motivation for completing a call setup is so that two end users can begin

communication.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

20 Williams et al. in view of Nodoushani et al. (U.S. Patent 6,563,816 B1).

Regarding claims 5 and 16, Williams discloses the methods of claims 1 and 2.

However, Williams lacks what Nodoushani discloses, "wherein the second messages

include MGCP Create Connection Messages and the second bearer channel

identification comprises endpoint identifier parameters (col. 37, lines 58-63)." It would

have been obvious to one with ordinary skill in the art at the time of invention to include

the create connection messages so as to complete call setup. The motivation for

5   completing a call setup is so that two end users can begin communication.

        Claims 8, 9, 10, and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Williams et al. in view of Brinkman et al. (U.S. Patent 5,712,908).

10   Regarding claims 14 and 8, Williams discloses, "apparatus for establishing a

correlation between the contents of signalling messages conforming to different

protocols but relating to a common bearer data item (figure 5A, element 208 for

instance), comprising: a monitor for monitoring messages traversing at least first and

second signalling channels which conform to respective first and second signalling

15   protocols (col. 22, lines 39-col. 23, lines 1-15 where a plurality of signalling type

messages are transmitted over signalling channels during setup and release of a call

where the monitor is implicit); a first selector for selecting from the monitored messages

first call initiation messages including a first identification of a bearer channel carrying

said bearer data item (col. 22, lines 49-57 where the IAM inherently contains the

20   identification of the channel carrying the data item so as to continue and complete setup

of the call; where the selector is implicit); a second selector for selecting from the

monitored messages second call initiation messages including a second identification of

a bearer channel carrying said bearer data item (col. 23, lines 7-10 where the second

messages consist of the ACM and ANM messages; where the selector is implicit); and a

correlator for establishing a correlation between first and second messages for which

the elapsed time is below a predetermined threshold, and thus between the first and

5   second bearer channel identifications (col. 23, lines 1-15 whereby completing the call

setup and conversation commencing all messages have been correlated, i.e. they are

all linked to each other by various identifiers within the messages themselves; where

the correlator is implicit)."

However, Williams lacks what Brinkman discloses, "a monitor for determining

10   elapsed time between occurrence of said first and second messages (col. 3, lines 58-

64)."

It would have been obvious to one with ordinary skill in the art at the time of

invention to include the determining of elapsed time for the purpose of correctly

identifying the call. The motivation for identifying the call and its associated elapsed time

15   between messages helps to bill the appropriate entity for the call.

Regarding claim 9, Williams and Brinkman disclose the method of claim 8.

However, Williams lacks what Brinkman further discloses, "wherein establishment of a

correlation between first and second messages is also dependent upon absence of any

20   similar messages within a predetermined time interval (col. 3, lines 58-64 where it since

the messages used to determine the time interval are unique to each call setup, there

will be an absence of similar messages for that call)." It would have been obvious to one

with ordinary skill in the art at the time of invention to include the absence of similar

messages for the same reasons and motivation as in claim 8.

Regarding claim 10, Williams and Brinkman disclose the method of claim 8.

However, Brinkman lacks what Williams further discloses, "wherein the first messages

include SS7 ISUP Initial Address Messages, the end user identification comprises

calling and called party addresses (col. 22, lines 49-50 and since the call is further

completed as described in col. 23, lines 7-15 the calling party address must be known),

and the first bearer channel identification comprises an OPC-DPC-CIC combination

(col. 18, lines 10-16)." It would have been obvious to one of ordinary skill in the art at

the time of invention to include the IAM messages and identification addresses for the

same reasons and motivation as in claim 8.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams

et al. and Brinkman et al. as applied to claim 8 above, and further in view of Nodoushani

et al.

Regarding claim 11, Williams and Brinkman disclose the method of claim 8.

However, Williams and Brinkman lack what Nodoushani discloses, "wherein the second

messages include MGCP Create Connection Messages and the second bearer channel

identification comprises endpoint identifier parameters (col. 37, lines 58-63)." It would

have been obvious to one with ordinary skill in the art at the time of invention to include

the create connection messages so as to complete call setup. The motivation for

completing a call setup is so that two end users can begin communication.

5   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joshua Kading whose telephone number is (571) 272-

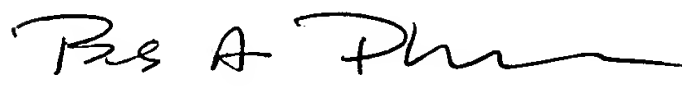3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

10   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

15   you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Joshua Kading
Examiner
Art Unit 2661

January 24, 2005
20

BOB PHUNKUL
PRIMARY EXAMINE.